

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 725
93RD GENERAL ASSEMBLY

Reported from the Committee on Local Government April 11, 2006 with recommendation that House Committee Substitute for Senate Bill No. 725 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3638L.03C

AN ACT

To repeal sections 311.325, 311.490, and 312.200, RSMo, and to enact in lieu thereof three new sections relating to alcoholic beverages, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 311.325, 311.490, and 312.200, RSMo, are repealed and three new
2 sections enacted in lieu thereof, to be known as sections 311.325, 311.490, and 312.200, to read
3 as follows:

311.325. 1. Any person under the age of twenty-one years, who purchases or attempts
2 to purchase, or has in his or her possession, any intoxicating liquor as defined in section 311.020
3 or who is visibly intoxicated as defined in section 577.001, RSMo, or has a detectable blood
4 alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such
5 person's blood is guilty of a misdemeanor. For purposes of prosecution under this section or any
6 other provision of this chapter involving an alleged illegal sale or transfer of intoxicating liquor
7 to a person under twenty-one years of age, a manufacturer-sealed container describing that there
8 is intoxicating liquor therein need not be opened or the contents therein tested to verify that there
9 is intoxicating liquor in such container. The alleged violator may allege that there was not
10 intoxicating liquor in such container, but the burden of proof of such allegation is on such
11 person, as it shall be presumed that such a sealed container describing that there is intoxicating
12 liquor therein contains intoxicating liquor.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

2. For purposes of determining violations of any provision of this chapter, or of any rule or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

3. The provisions of this section shall not apply to a student who:

(1) Is eighteen years of age or older;

(2) Is enrolled in an accredited college or university and is a student in a culinary course;

(3) Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum; and

(4) Tastes a beverage under subdivision (3) of subsection 3 of this section only for instructional purposes during classes that are part of the curriculum of the accredited college or university.

The beverage must at all times remain in the possession and control of an authorized instructor of the college or university, who must be twenty-one years of age or older. Nothing in this subsection may be construed to allow a student under the age of twenty-one to receive any beer, ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum.

311.490. No person, partnership or corporation engaged in the brewing, manufacture or sale of beer as defined, in this chapter, or other intoxicating malt liquor, shall use in the manufacture or brewing thereof, or shall sell any such beer or other intoxicating malt liquor which contains [any substance, material or chemical other than pure hops, or pure extract of hops, or pure barley malt, or other wholesome grains or cereals, or wholesome yeast and pure water] **ingredients not in compliance with the following standards:**

(1) Beer shall be brewed from malt or a malt substitute, which only includes rice, grain of any kind, bean, glucose, sugar, and molasses. Honey, fruit, fruit juices, fruit concentrate, herbs, spices, and other food materials may be used as adjuncts in fermenting beer;

(2) Flavor and other nonbeverage ingredients containing alcohol may be used in producing beer, but may contribute to no more than forty-nine percent of the overall alcohol content of the finished beer. In the case of beer with an alcohol content of more

14 **than six percent by volume, no more than one and one-half percent of the volume of the**
15 **beer may consist of alcohol derived from added flavors and other nonbeverage ingredients**
16 **containing alcohol; and**

17 **(3) Beer, intoxicating malt liquor, and malt beverages, as defined in this section,**
18 **shall not be subject to the requirements of subsections 1, 2, and 3 of section 311.332 and**
19 **sections 311.334 to 311.338.**

312.200. It shall be unlawful for any person in this state, engaged in the brewing or
2 manufacture of nonintoxicating beer, to use any [substance, material or chemical in the brewing
3 or manufacture thereof, other than pure hops or pure extract of hops, and pure barley malt or
4 other wholesome grains or cereals, and wholesome yeast and pure water] **ingredients not in**
5 **compliance with the following standards:**

6 **(1) Nonintoxicating beer shall be brewed from malt or a malt substitute, which only**
7 **includes rice, grain of any kind, bean, glucose, sugar, and molasses. Honey, fruit, fruit**
8 **juice, fruit concentrate, herbs, spices, and other food materials may be used as adjuncts in**
9 **fermenting nonintoxicating beer; and**

10 **(2) Flavors and nonbeverage ingredients containing alcohol may be used in**
11 **producing nonintoxicating beer, but may contribute to no more than forty-nine percent of**
12 **the overall alcohol content of the finished nonintoxicating beer.**

✓

Copy